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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,610	11/24/2003	Jan Alfons Bouwen	Q78296	1688

23373   7590   05/12/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
PASIA, REDENTOR M

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
05/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/718,610	BOUWEN, JAN ALFONS
	Examiner	Art Unit	
	REDENTOR M. PASIA	2416	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 January 2009</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-9,11 and 12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-9,11 and 12</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>24 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on 01/30/2009 has been entered. No claims were amended

or cancelled. Claim 12 has been added. Claims 1-9 and 11-12 are still pending, with claims 1, 7,

8, 9 and 11 being independent.

Response to Arguments

2.   Applicant's arguments, see Applicant's Remarks page 5, filed 01/30/2009, with respect to

drawings have been fully considered and are persuasive. The objection of the drawings has been

withdrawn.

3.   Applicant's arguments, see Applicant's Remarks page 5, filed 01/30/2009, with respect to

claim 9 under 35 U.S.C 112, first paragraph (regarding enablement requirement) have been fully

considered and are persuasive. The rejection of claim 9 has been withdrawn.

4.   Applicant's arguments regarding claim rejections under 35 USC 102, filed 01/30/2009,

have been fully considered but they are not persuasive.

- **Claim 1**

    Applicant's attorney argues at pages 6-7, that Johnston (US Pat. 7,266,591) fails to

    describe "a storage station for storing information to be supplied *during said call to said*

second terminal." Mainly, Applicant's attorney bases the argument as presented below

(taken from Applicant's Remarks dated 01/30/2009):

> "*...Johnston only describes providing information to a second terminal while the
> call is on hold, and not during the call. Johnston only describes "a data communication
> system for providing content transmission upon placement of a call on hold..." (col. 2,
> lines 17-19; emphasis added), and Johnston further describes placing a call on hold as
> "the suspension of the call..." (col. 1, lines 55-56)...*"

However, the Examiner respectfully disagrees with the Applicant's attorney and

respectfully asserts that Johnston shows the above-mentioned claim limitation.

The above-mentioned claim limitation was rejected (as detailed in Office Action dated

10/30/2008) and is currently rejected on the same grounds in this present Office Action. The

rejection shows:

> "...a storage-station **(Figure 1, content server 107)** for storing information **(col.
> 7, line 7, content (i.e. music); it is noted that since the media session (call) is
> established in a VOIP environment, the content shown is also seen as digital
> content/information)** to be supplied during said call to said second terminal **(Figure 4;
> col. 6, line 54 to col. 7, line 7; it is shown that the content server 107 can begin
> transmitting content (i.e. music files) to user agent 101 when the music-on-hold
> feature is activated <u>during a media session(call) is in progress</u>)**..."

First, in addition to the above rejection, the Examiner notes that upon placement of a call

on hold (in the system of Johnston evident in Figure 4; col. 6, line 54 to col. 7, line 19),

<u>voice-packets (which form part of the call) had been placed "on-hold"</u> (emphasis added).

The call is **not** dropped/terminated, however, it was put on-hold.

Second, to support of the first point presented, the Examiner notes that the system of

Johnston utilizes Session Initiation Protocol (SIP) to exchange messages (col. 4, lines 36-37).

As shown in col. 4, lines 47-63, SIP defines different types of requests/methods including

INVITE method, ACK method, OPTIONS method and BYE method. Specifically, the BYE

method terminates a connection between two users or parties. Figures 3-4, explicitly shows

the use of INVITE and ACK methods, however, the BYE method is not utilized since no call

is dropped/terminated. The call is only placed on-hold and not dropped/terminated.

Third, also to support the first point presented, the Examiner notes the current claim

language presented in claim 1. The present claim language is broadly states that voice-

packets and information to be supplied are (or form) part of a call. Voice packets and

information to be supplied need not necessarily be transmitted at the same time. Either

voice-packets or information to be supplied can be transmitted any time during the

call/conversation. Johnston, on the other hand, shows the transmission of voice packets and

information to be supplied during the call/conversation. Since, it has been noted previously

that the call/conversation of Johnston is not terminated/dropped, the information to be

supplied (i.e. music supplied during on-hold) is transmitted when a call is placed on-hold.

The music is transmitted after the transmission of voice packets (before call is placed on-

hold).

Given the above rejection and the additional reasoning, the system of Johnston shows the

claim limitation "a storage station for storing information to be supplied *during said call to*

said second terminal."

- **Claims 7, 8, 9 and 11**

    As to claims 7, 8, 9 and 11, Applicant's Attorney argues on the same grounds presented in claim 1. The Examiner uses the same reasoning presented in the argument of claim 1.

- **Claims 2-6**

    As to claims 2-6, Applicant's Attorney argues on the same grounds presented in claim 1. The Examiner uses the same reasoning presented in the argument of claim 1.

    Additionally, Applicant's Attorney submits that Johnston fails to disclose claim limitations of claim 6, specifically "where *a further trigger-packet from the second terminal to the storage station* comprises an indication for selection at least one information-part to be supplied."

    The Examiner notes that initially, the claim limitation, "said further trigger packet", is related to the claim limitation, "a further trigger packet (to be sent during said call to said storage station)" which is initially presented in claim 5. The rejection of "a further trigger packet (to be sent during said call to said storage station)" is shown below:

    > "...said second terminal in response to said trigger-packet generating *a further trigger-packet to be sent during said call to said storage-station via the Internet Protocol (Figure 4, steps 411 onwards; in step 411, the user agent 101 sends a 200 OK sdp A message to the proxy server 109; the proxy server 109 relays this message to the user agent 103 and in step 415, the user agent 103 forwards an ACK sdp A messages to the content sever 107).*"

    With regards to the rejection of claim 6, the Examiner noted that the rejection is based on the reasoning set forth in the rejection of claim 4. The Examiner initially rejected claim 4 which includes the limitation "...an indication for selecting at least one information-part to

be supplied during said call to said second terminal." The same limitation is presented in

claim 6, however the same limitation is applied to "said further trigger packet". Since, the

Examiner already rejected "a further trigger packet" (which relates to said further trigger

packet) in claim 5, the Examiner has applied the same reasoning presented in claim 4 as

shown below:

> *"an indication for selecting at least one information-part to be supplied during*
> *said call to said second terminal (col. 8, lines 1-9; the user agent 103 may select the type*
> *of content to play to the user agent 101 using, for example, a special SIP header*
> *extension, which could be of the form "Music-On-Hold: classical" or "Music-On-Hold:*
> *http://www.music.com/classical-hits.wav" where a URL is used to reference a specific*
> *music wave file. This header could be either passed on unchanged by the proxy server*
> *109 in the 3 pcc INVITE, or the header could be translated into a SIP Request-URI.)."*

Given the above reasoning, the system of Johnston shows the above-mentioned claim

limitation.

It should be further noted, that the rejection of claim 6 was re-written in another manner.

However, it should be noted that no new grounds of rejection was introduced and the

rejection presented before is the same as currently presented.

- **Claim 12**

Claim 12 is a newly added claim. Please refer to the rejection shown in later parts for the

reasoning in relation to the rejection of claim 12.

5.   Applicant's arguments regarding claim rejections under 35 USC 103, filed 01/30/2009,

have been fully considered but they are not persuasive.

- **Claim 2**

      As to claim 2, Applicant's Attorney argues on the same grounds presented in claim 1.

    The Examiner uses the same reasoning presented in the argument of claim 1.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1, 3-9, 11** are rejected under 35 U.S.C. 102(e) as being anticipated by Johnston

(US 7,266,591; hereinafter Johnston).

      As to claim 1, Johnston shows a system (Figures 1-6, note system employed in the

figures) for exchanging voice-packets via an Internet Protocol (abstract; Figure 1 shows

transmission of packetized voice data in a VOIP environment), the system comprising

      a first terminal (Figure 1, user agent 103) for transmitting said voice- packets via a

network (Figure 1, IP network) to a second terminal (Figure 1, user agent 101) for receiving said

voice-packets, which voice-packets form part of a call (Figures 3-5; col. 4, lines 12-35; shows

that a PC establishes a voice call with another PC where packetized voice data is transmitted

from the PC (i.e. user agent 103) via the IP network 105 to another PC (i.e. user agent 101).),

wherein said network comprises a storage-station (Figure 1, content server 107) for storing information (col. 7, line 7, content (i.e. music); it is noted that since the media session (call) is established in a VOIP environment, the content shown is also seen as digital content/information) to be supplied during said call to said second terminal (Figure 4; col. 6, line 54 to col. 7, line 7; it is shown that the content server 107 can begin transmitting content (i.e. music files) to user agent 101 when the music-on-hold feature is activated during a media session(call) is in progress) in the form of at least one data-packet via the Internet Protocol (Figures 1-2; it is noted that the above components (i.e. user agents, content servers) are interconnected through IP using TCP/UDP thereby showing in this instance that the music files transmitted by the content server are in the form of packets/frames) in response to at least one trigger-packet originating from said first terminal via the Internet Protocol (Figure 1, 4-5; col. 6, line 54 to col. 7, line 7; it is shown that the content server 107 delivers the music content (claimed storage station) to user agent 101 (claimed second terminal) when user agent 103 (claimed first terminal) initiates a music call-on-hold procedure by sending a INVITE message (claimed trigger packet) to content server 107).

As to claim 3, Johnston shows said trigger-packet is sent from said first terminal (Figure 4, user agent 103) to said storage-station (Figure 4, content server 107; it is shown in Figure 4 that the INVITE message is sent from user agent 103 to content server 107).

As to claim 4, Johnston shows said information (col. 7, line 7; content from content server 107) comprises information-parts (col. 3, lines 49-62; it is noted that the content in the content server can be music files, audio files or advertisement messages.), said trigger-packet comprising an indication for selecting at least one information-part to be supplied during said

call to said second terminal (col. 8, lines 1-9; the user agent 103 may select the type of content to

play to the user agent 101 using, for example, a special SIP header extension, which could be of

the form "Music-On-Hold: classical" or "Music-On-Hold: http://www.music.com/classical-

hits.wav" where a URL is used to reference a specific music wave file. This header could be

either passed on unchanged by the proxy server 109 in the 3 pcc INVITE, or the header could be

translated into a SIP Request-URI.).

As to claim 5, Johnston shows wherein said trigger-packet is sent from said first terminal

to said second terminal (Figure 4, 405, 407; col. 6, lines 62-64; in step 405, the user agent 103

transmits an INVITE sdp MS message to the proxy server 109, which forwards the messages to

the user agent 101), said second terminal in response to said trigger-packet generating a further

trigger-packet to be sent during said call to said storage-station via the Internet Protocol (Figure

4, steps 411 onwards; in step 411, the user agent 101 sends a 200 OK sdp A message to the

proxy server 109; the proxy server 109 relays this message to the user agent 103 and in step 415,

the user agent 103 forwards an ACK sdp A messages to the content sever 107).

As to claim 6, Johnston shows wherein said information (col. 7, line 7; content from

content server 107 – taken from claim 4 rejection) comprises information-parts (col. 3, lines 49-

62; it is noted that the content in the content server can be music files, audio files or

advertisement messages. – taken from claim 4 rejection), said trigger-packet (Figure 4, INVITE

message – as previously rejected in claim 1) and said further trigger-packet (Figure 4, steps 411

onwards; in step 411, the user agent 101 sends a 200 OK sdp A message to the proxy server 109;

the proxy server 109 relays this message to the user agent 103 and in step 415, the user agent 103

forwards an ACK sdp A messages to the content sever 107 -- as previously rejected in claim 5)

comprising an indication for selecting at least one information-part to be supplied during said

call to said second terminal (col. 8, lines 1-9; the user agent 103 may select the type of content to

play to the user agent 101 using, for example, a special SIP header extension, which could be of

the form "Music-On-Hold: classical" or "Music-On-Hold: http://www.music.com/classical-

hits.wav" where a URL is used to reference a specific music wave file. This header could be

either passed on unchanged by the proxy server 109 in the 3 pcc INVITE, or the header could be

translated into a SIP Request-URI —as taken from claim 4 rejection.).

    As to claim 7, Johnston shows a terminal (Figure 1, user agent 103) for use in a system

(Figures 1-6, note system employed in the figures) for exchanging voice-packets via an Internet

Protocol (abstract; Figure 1 shows transmission of packetized voice data in a VOIP environment)

and comprising

    said terminal (Figure 1, user agent 103) for transmitting said voice-packets via a network

(Figure 1, IP network) to another terminal (Figure 1, user agent 101) for receiving said voice-

packets, said voice-packets forming part of a call (Figures 3-5; col. 4, lines 12-35; shows that a

PC establishes a voice call with another PC where packetized voice data is transmitted from the

PC (i.e. user agent 103) via the IP network 105 to another PC (i.e. user agent 101).),

    wherein said network comprises a storage-station (Figure 1, content server 107) for

storing information (col. 7, line 7, content (i.e. music); it is noted that since the media session

(call) is established in a VOIP environment, the content shown is also seen as digital

content/information) to be supplied during said call to other terminal (Figure 4; col. 6, line 54 to

col. 7, line 7; it is shown that the content server 107 can begin transmitting content (i.e. music

files) to user agent 101 when the music-on-hold feature is activated during a media session(call)

is in progress) in the form of at least one data-packet via the Internet Protocol (Figures 1-2; it is

noted that the above components (i.e. user agents, content servers) are interconnected through IP

using TCP/UDP thereby showing in this instance that the music files transmitted by the content

server are in the form of packets/frames) in response to at least one trigger-packet originating

from said other terminal via the Internet Protocol (Figure 1, 4-5; col. 6, line 54 to col. 7, line 7; it

is shown that the content server 107 delivers the music content (claimed storage station) to user

agent 101 (claimed second terminal) when user agent 103 (claimed first terminal) initiates a

music call-on-hold procedure by sending a INVITE message (claimed trigger packet) to content

server 107).

As to claim 8, Johnston shows a terminal (Figure 1, user agent 101) for use in a system

(Figures 1-6, note system employed in the figures) for exchanging voice-packets via an Internet

Protocol (abstract; Figure 1 shows transmission of packetized voice data in a VOIP environment)

and comprising

another terminal (Figure 1, user agent 103) for transmitting said voice-packets via a

network (Figure 1, IP network) to said terminal (Figure 1, user agent 101) for receiving said

voice-packets, said voice-packets forming part of a call (Figures 3-5; col. 4, lines 12-35; shows

that a PC establishes a voice call with another PC where packetized voice data is transmitted

from the PC (i.e. user agent 103) via the IP network 105 to another PC (i.e. user agent 101).),

wherein said network comprises a storage-station (Figure 1, content server 107) for

storing information (col. 7, line 7, content (i.e. music); it is noted that since the media session

(call) is established in a VOIP environment, the content shown is also seen as digital

content/information) to be supplied during said call to said terminal (Figure 4; col. 6, line 54 to

col. 7, line 7; it is shown that the content server 107 can begin transmitting content (i.e. music

files) to user agent 101 when the music-on-hold feature is activated during a media session(call)

is in progress) in the form of at least one data-packet via the Internet Protocol (Figures 1-2; it is

noted that the above components (i.e. user agents, content servers) are interconnected through IP

using TCP/UDP thereby showing in this instance that the music files transmitted by the content

server are in the form of packets/frames) in response to at least one trigger-packet originating

from said other terminal via the Internet Protocol (Figure 1, 4-5; col. 6, line 54 to col. 7, line 7; it

is shown that the content server 107 delivers the music content (claimed storage station) to user

agent 101 (claimed second terminal) when user agent 103 (claimed first terminal) initiates a

music call-on-hold procedure by sending a INVITE message (claimed trigger packet) to content

server 107).

    As to claim 9, Johnston shows a storage station (Figure 1, content server 107) for use in a

system (Figures 1-6, note system employed in the figures) for exchanging voice-packets via an

Internet Protocol (abstract; Figure 1 shows transmission of packetized voice data in a VOIP

environment), the storage station comprising

    a first terminal (Figure 1, user agent 103) for transmitting said voice-packets via a

network (Figure 1, IP network) to a second terminal (Figure 1, user agent 101) for receiving said

voice-packets, which voice-packets form part of a call (Figures 3-5; col. 4, lines 12-35; shows

that a PC establishes a voice call with another PC where packetized voice data is transmitted

from the PC (i.e. user agent 103) via the IP network 105 to another PC (i.e. user agent 101).),

    wherein said network comprises said storage-station (Figure 1, content server 107) for

storing information (col. 7, line 7, content (i.e. music); it is noted that since the media session

(call) is established in a VOIP environment, the content shown is also seen as digital

content/information) to be supplied during said call to said second terminal (Figure 4; col. 6, line

54 to col. 7, line 7; it is shown that the content server 107 can begin transmitting content (i.e.

music files) to user agent 101 when the music-on-hold feature is activated during a media

session(call) is in progress) in the form of at least one data-packet via the Internet Protocol

(Figures 1-2; it is noted that the above components (i.e. user agents, content servers) are

interconnected through IP using TCP/UDP thereby showing in this instance that the music files

transmitted by the content server are in the form of packets/frames) in response to at least one

trigger-packet originating from said first terminal via the Internet Protocol (Figure 1, 4-5; col. 6,

line 54 to col. 7, line 7; it is shown that the content server 107 delivers the music content

(claimed storage station) to user agent 101 (claimed second terminal) when user agent 103

(claimed first terminal) initiates a music call-on-hold procedure by sending a INVITE message

(claimed trigger packet) to content server 107).

      As to claim 11, Johnston shows a method (Figures 4-5) for use in a system (Figures 1-6,

note system employed in the figures) for exchanging voice-packets via an Internet Protocol

(abstract; Figure 1 shows transmission of packetized voice data in a VOIP environment), the

method comprising:

      transmitting said voice-packets (Figures 3-5; col. 4, lines 12-35; shows that a PC

establishes a voice call with another PC where packetized voice data is transmitted from the PC

(i.e. user agent 103) via the IP network 105 to another PC (i.e. user agent 101).) via a network

(Figure 1, IP network) from a first terminal (Figure 1, user agent 103) to a second terminal

(Figure 1, user agent 101);

receiving said voice-packets at said second terminal, wherein said voice-packets form part of a call (Figures 3-5; col. 4, lines 12-35; shows that a PC establishes a voice call with another PC where packetized voice data is transmitted from the PC (i.e. user agent 103) via the IP network 105 to another PC (i.e. user agent 101).);

storing information in a storage-station in said network (Figure 1, content server 107 contains stored music files; col. 7, line 7, content (i.e. music); it is noted that since the media session (call) is established in a VOIP environment, the content shown is also seen as digital content/information);

supplying said information during said call to said second terminal (Figure 4; col. 6, line 54 to col. 7, line 7; it is shown that the content server 107 can begin transmitting content (i.e. music files) to user agent 101 when the music-on-hold feature is activated during a media session(call) is in progress) in the form of at least one data-packet (Figures 1-2; it is noted that the above components (i.e. user agents, content servers) are interconnected through IP using TCP/UDP thereby showing in this instance that the music files transmitted by the content server are in the form of packets/frames) via the Internet Protocol in response to at least one trigger-packet originating from said first terminal via the Internet Protocol (Figure 1, 4-5; col. 6, line 54 to col. 7, line 7; it is shown that the content server 107 delivers the music content (claimed storage station) to user agent 101 (claimed second terminal) when user agent 103 (claimed first terminal) initiates a music call-on-hold procedure by sending a INVITE message (claimed trigger packet) to content server 107).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston (US

7,266,591; hereinafter Johnston) in view of McCormack et al. (US 2002/0136384; hereinafter

McCormack).

         As to claim 2, Johnston shows said voice-packets comprise at least audio (col. 4, lines

31-35, shows a voice call is comprised of packetized voice data).

         Johnston also shows (col. 3, lines 49-62) that the content server is primarily used as a

music server. However, it can also be seen that the content server can also store advertisement

messages and since the system of Johnston allows communication of a PC to another PC (col. 4,

lines 11-35), the implementation of transmitting video signals between terminals is not far off.

Still, Johnston does not specifically show said data-packet comprise at least video.

         However, the above-mentioned claim limitation is well established in the art as evidenced

by McCormack. McCormack also shows a method of providing media content to callers on hold

(Figures 1-8, abstract).

         Specifically, Johnston shows data-packet comprise at least video (abstract; shows media

content being supplied can either be music or video).

         In view of the above, having the system of Johnston, then given the well-established

teaching of McCormack, it would have been obvious to one of ordinary skill in the art at the time

of the invention to modify the system of Johnston as taught by McCormack, in order to provide
improved quality media content to callers on hold (Par. 0008).

5.   **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston (US
7,266,591; hereinafter Johnston) in view of Wengrovitz et al. (US 2003/0023730; hereinafter
Wengrovitz).

    As to claim 12, Johnston shows all of the elements except wherein the at least one data
packet being supplied during the call is transmitted at the same time as the voice packets.

    However, the above-mentioned claim limitations are well-established in the art as
evidenced by Wengrovitz. Wengrovitz shows a system for conducting multimedia SIP sessions
via multiple hosts, such as a PC and a telephone (abstract).

    Specifically, Wengrovitz shows at least one data packet being supplied during the call is
transmitted at the same time as the voice packets (Figure 7; Par. 0031; note that the client
transmits display data packets (i.e. image, document or video) during the course of the call. Par.
0055, 0058; note that the call contains both voice and non-video display data; further note that
the voice conversation proceeds via a telephone while the display data is viewed on the PC.).

    In view of the above, having the system of Johnston, then given the well-established
teachings of Wengrovitz, it would have been obvious to one of ordinary skill in the art at the
time of the invention to modify the system of Johnston as taught by Wengrovitz in order to
provide a cost effective and efficient desktop system that provides reliable SIP phone

connections while providing an improved display of data, video, and/or graphics (collectively
referred to as display data) (Par. 0008).

<div align="center">

Conclusion

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6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than SIX MONTHS from the mailing
date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to REDENTOR M. PASIA whose telephone number is (571)272-
9745. The examiner can normally be reached on M-F 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Aung Moe can be reached on (571)272-7314. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/   /Redentor M Pasia/
Supervisory Patent Examiner, Art Unit 2416   Examiner, Art Unit 2416